

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. CV 11-559 JC/LAM
CR 09-209 JC**

JOSE RAUL PELAEZ-DE LA O,

Defendant/Movant.

ORDER QUASHING ORDER TO SHOW CAUSE

THIS MATTER is before the Court on its *Order to Show Cause* (Doc. 4), entered August 29, 2011, in which the Court ordered the United States to show good cause on or before September 12, 2011, why the relief requested in Defendant/Movant's Section 2255 motion should not be granted because the United States had failed to file a response to the Section 2255 motion after it had asked for and been granted a 30-day extension of time to do so. On August 30, 2011, the United States filed *United States' Response to Order to Show Cause* (Doc. 5), stating that the attorney of record for this case had left the United States on detail to Ghana, Africa, and the case was not reassigned to another Assistant United States Attorney. The United States asks the Court to allow it to file a response to the Section 2255 motion by September 12, 2011. While the reason stated by the United States for its failure to file a response would ordinarily not constitute good cause, especially when the United States had already been granted one extension of time to file a response and failed to meet the deadline it had asked for, the Court recognizes that such errors occasionally occur. Since the United States is asking to file its response to the Section 2255 motion within the date the Court had given it to file its response to the Court's Order to Show Cause, the

Court will quash its Order to Show Cause and allow the United States to file its response to Defendant/Movant's Section 2255 motion *by September 12, 2011*. *No further extensions will be allowed in this case absent a showing of exceptional circumstances, and press of business on other matters is not considered exceptional circumstances.*

IT IS THEREFORE ORDERED that the Court's *Order to Show Cause* (Doc. 4), is hereby **QUASHED**.

IT IS FURTHER ORDERED that the United States shall respond to Defendant/Movant's Section 2255 motion *by September 12*.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE